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### **FACSIMILE COVER SHEET**

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In the UNITED STATES PATENT AND TRADEMARK OFFICE TR

First Named Inventor: Wolfgang Klumpp

Application No.: 10/550,781

Atty. Docket No. 2003P04656WOUS

Filed: September 27, 2005

Title: TEMPERATURE COMPENSATION ELEMENT FOR A CONNECTION UNIT

Examiner: Not Yet Assigned Art Unit: Not Yet Assigned

► FACSIMILE ATTN TO: RAFAEL BACARES, PCT LEGAL EXAMINER
PCT LEGAL OFFICE

FAX NO.: 571-273-0459

**RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181** 

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the PCT Legal Office at the Patent and Trademark Office on January 21, 2009.

Ann Hickey

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- ►This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)
- ► Supplemental Request to Withdraw the Holding of Abandonment (2 pgs.);
- ▶Declaration of Ann Hickey in Support of Request to Withdraw the Holding of Abandonment (2 pgs);
- ▶ Copy of Facsimile Cover Sheet confirming receipt by the USPTO (1 pg.);
- ▶Declaration and Power of Attorney for Patent Application (4 pgs) and
- ▶Copy of Decision on Petition Under 37 CFR 1.18 mailed November 20, 2008 (3 pgs.)

Number of pages being transmitted (including this cover sheet): 13 pgs

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Siemens Corporation

Legal and Intellectual Property Department

4400 Alafaya Trail Orlando Florida 32826

Tel: 407-736-2472 FAX: 407-736-6440

## SIEMENS

PATENT Attorney Docket No. 2003P04656WOUS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	Wolfgang Klumpp, et al.	)	Group Art Un	it: Not Yet Assigned
Serial No.:	10/550,781	)	Examiner:	Not Yet Assigned
Filed:	September 27, 2005	. )	Confirmation	No. 1873

Title:

TEMPERATURE COMPENSATION ELEMENT FOR A

CONNECTION UNIT

Mail Stop PCT LEGAL Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# SUPPLEMENTAL REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT

In accordance with 37 CFR 1.181(a) and 1.8(b), Applicants respectfully request the Commissioner to withdraw the holding of abandonment on grounds that a complete reply to the Response to Notification of Missing Requirements within the time period specified in the Notification was filed with the USPTO.

On August 29, 2008, Office of PCT Legal Affairs Legal Examiner Rafael Bacares dismissed without prejudice Applicants' previously filed request to withdraw the holding of abandonment dated 26 June 2008. Mr. Bacares reasoned that Applicant did not satisfy requirement (2) of 37 CFR 1.8(b) because "the present petition includes a copy of the

JAN. 21. 2009 2:21PM 4077366440

NO. 1171 P. 3

Serial No. 10/550,781

Atty. Doc. No. 2003P04656WOUS

previously transmitted correspondence and certificate of transmission, however, no copy of the executed declaration filed on August 7, 2006 has been filed."

In response, Applicants submit a copy of the executed declaration filed on August 7, 2006 by the person who executed the Certificate of Transmission under 37 CFR 1.8 on the response materials, Ann Hickey, as indicated by the Certificate of Transmission.

On November 20, 2008, Office of PCT Legal Affairs Legal Examiner Rafael Bacares dismissed without prejudice Applicants' previously filed request to withdraw the holding of abandonment dated 08 September 2008. Mr. Bacares reasoned that Applicant did not satisfy requirement (3) of 37 CFR 1.8(b) because "Applicants (Mr. Musone) submit a copy of the executed declaration filed on August 7, 2006 by the person (Ann Hickey) who executed the Certificate of Transmission under 37 CFR 1.8". Both a Declaration of Ann Hickey and a copy of the facsimile report confirming receipt by the USPTO has been submitted previously and is being re-submitted.

Reconsideration and withdrawal of the holding of abandonment is therefore respectfully requested.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

John P. Muson

Registration No. 44,961

(407) 736-6449

Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, New Jersey 08830

## SIEMENS

PATENT Attorney Docket No. 2003P04656WOUS

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re App	lication of:
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Inventor:	Wolfgang Klumpp, et al.	)	Group Art Uni	t: Not Yet Assigned
Serial No.:	10/550,781	)	Examiner:	Not Yet Assigned
Filed:	September 27, 2005	)	Confirmation N	No: 1873
Title:	TEMPERATURE COMPENSION UNIT	SATIO	N ELEMENT F	OR A

Mail Stop PCT LEGAL Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

# DECLARATION OF ANN HICKEY IN SUPPORT OF REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT

- I, Ann Hickey, do hereby declare as follows:
- 1. I am an Intellectual Property Specialist that prepares and files documents on behalf of Siemens Aktiengesellschaft and its corporate affiliates. I currently assist Patent Attorney John P. Musone who is of record for the above-referenced patent application.
- 2. On August 7, 2006, prior to personally facsimile filing the Response To Notification of Missing Requirements signed by John P. Musone, I signed the Certification of Mailing stating "I hereby certify that this correspondence is being

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NO. 1171 P. 5

Serial No. 10/550,781

Atty. Doc. No. 2003P04656WOUS

facsimile transmitted to 703-305-3230 at the Patent and Trademark Office on August 7, 2006." I then personally sent the Response, via facsimile, to the attention of Deborah D. Williams. Attached is a copy of the facsimile confirming receipt by the USPTO of this transmission.

3. I declare that all statements, made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

Dated: \_\_\_1/16/2009

Ann Hickey

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NO. 1171 P. 6

COMM. . ICATION RESULT REPORT ( AUG. 7.2.06 3:06PM ) \*

FAX HEADER 1: FAX HEADER 2: 407-736-6440

AUG. 7. 2006 :ANSMITTED/STORED :

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**ADDRESS** 

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#### SIEMENS

#### FACSIMILE COVER SHEET

#### In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Wolfgang Klumpp

Application No.: 10/550,781

. Atty. Docket No. 2003P04656WQUS

Filed: September 27, 2005

Title: TEMPERATURE COMPENSATION ELEMENT FOR A CONNECTION UNIT

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

FACSIMILE ATTN TO: DEBORAH D. WILLIAMS

FAX NO.: 703-305-3230

## RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 871 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EQ/US)

Certificate of Transmission under 37 CFR 1.8

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I heroby certify that this correspondence is being facetimile transmitted to the Patent and Trudemark Office on

Ann Hickey
Typed or printed name of person signing Certificate

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►Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States

Wan

Designated/Elected Office to be returned with response (2 pgs);

▶ Declaration for Patent Application, Power of Attorney & Designation of Correspondence

Address (4 pgs)

Number of pages being transmitted (including this cover sheet): 9 pgs

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Siemens Corporation

Legal and intellectual Property Department

4400 Alafaya Trali Orlando Florida 32826

Tel: 407-736-2472 FAX: 407-736-6440

#### 2003P04656WOUS

# Declaration and Power of Attorney For atent Application Erklärung Für Patentanmeldungen Mit Vollmacht German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides statt:

dass mein Wohnsitz, meine Postanschrift, und meine Staatsangehörigkeit den im Nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, dass ich, nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben 1st) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit dem Titel beantragt wird:

Temperaturausgleichselement für ein Anschlusseinheit deren Beschreibung hier beigefügt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

wurde angemeldet am 09.27.2005
unter der US-Anmeldenummer 10/550,781 oder
unter der Internationalen Anmeldenummer im
Rahmen des Vertrags über die
Zusammenarbeit auf dem Gebiet des
Patentwesens (PCT) \_\_\_\_\_\_ und am \_\_\_\_\_
abgeändert (fells zutreffend).

Ich bestätige hiermit, dass ich den Inhalt der obigen Patentanmeldung einschließlich der Ansprüche, die eventuell durch einen Zusatzantrag wie oben erwähnt abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkelt in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

Ich beanspruche hlermit ausländische Prioritätsvortelle gemäß Title 35, United States Code, § US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land außer den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patente bzw. Erfinderurkunden oder PCT Internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

<u>Temperature Compensation Element for a Connection</u>
Unit

the specification of which is attached hereto unless the following box is checked:

was filed on <u>09.27.2005</u> as United States
Application Number <u>10/550,781</u> or PCT
International Application Number
\_\_\_\_\_ and was amended on
\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose Information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority under Title 35, 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Page 1

DNR: 1620 / 09.09.2005

		German Langu	uage Declaration		
Prior foreign apppli Priorität beansprud	ications oht			<u>Priorit</u>	y Claimed
10314406.4 (Number) (Nummer)	<u>DE</u> (Country) (Land)	28.03.2003 (Day Month Ye (Tag Monat Ja	'ear Filed) ahr eingereicht)	⊠ Yes Ja	No Nein
(Number) (Nummer)	(Country) (Land)	(Day Month Ye (Tag Monat Ja	ear Filed) ahr eingereicht)	□ Yeş Ja	No Neln
(Number) (Nummer)	(Country) (Land)	(Day Month Y∈ (Tag Monat Ja	ear Filed) ahr eingereicht)	☐ Yes Ja	□ No Nein
(Number) (Nummer)	(Country) (Land)	(Day Month Ye (Tag Monat Ja	ear Filed) ahr eingereicht)	☐ Yes Ja	□ No Neln
Code, § 120 z aufgeführten US-F aller PCT internat Vereinigten Staatserkenne, insofem früheren Anspruch einer US-Patentan Anmeldung in in ei Title 35, US-Code Weise offenbart wijeglicher Informati Patentfähigkeit in Federal Regulation im Zeitraum zwisc Patentanmeldung Rahmen des Vertredem Gebiet dei	hlermit die mir unter zustehenden Vorteile Patentanmeldungen bittonalen Anmeldunger ten von Amerika bein der Gegenstand ins dieser Patentanmenmeldung, bzw. PCT i einer gemäß dem erste g. § 112 vorgeschrieb zurde, meine Pflicht zur Einklang mit Title ns, § 1.56 von Belang und dem national urags über die Zusmies Patentwesen (Pomeldetags bekannt gewinten dem Anmeldetag und dem national urags über die Zusamies Patentwesen (Pomeldetags bekannt gewinten dem Anmeldetags bekannt gewinten gewinten gewinten gewinten dem Anmeldetags bekannt gewinten dem Anmeldetags dem	e aller unten bzw. § 365(c) en, welche die enennen, und eines jeden eldung nicht in internationalen ten Absatz von benen Art und ur Offenbarung Prüfung der 37, Code of g sind und die g der früheren immenarbeit auf PCT) gültigen	I hereby claim the ber Code, § 120 of any to 365(c) of any PCT Interpretation of the control of	United States a ternational applicated below an choose of the claims the prior Unitedion in the manners of the United States of the British of the prior at the prior at the prior at the states.	application(s), or size in a polication designating and, insofar as the of this application and States or PCT are provided by the ates Code, § 112, formation which is a Title 37, Code obecame available application and the
(Application Serial Ne.) (Anmeldeserlennummer)	(Filing 1 (Anmel	Date D. M. Y) Idedatum T, M. J)	(Status) (patentlert, anhängig, aufgagaban)	(ÞS	itatus) stented, pending, pandoned)
(Application Serial No.) (Anmeldeseriennummer)	(Filing I (Anmel	Date D.M.Y) Idedatum T. M; J)	(Status) (pstentert, anhängig, aufgeben)	(þa	tatus) stented, pending, andoned)
Wissen und Gewiss ferner dass ich d Kenntnis dessen vorsätzlich falsche A 1001, Title 18 des Geldstrafe und/oder und dass derartige Angaben die Rec	it, dass alle in der gemachten Angaben sen der Wahrheit ents diese eidesstattliche ablege, dass wiss Angaben oder dergleic s US-Code strafbar sir Gefängnis bestraft we wissentlich und vorsächtswirksamkeit der oder eines aufgrund der können.	nach bestem sprechen, und Erklärung in sentlich und chen gemäß § sind und mit verden können statlich falsche	I hereby declare that a own knowledge are true on information and be further that these steknowledge that willful i made are punishable to under Section 1001 or Code and that such jeopardize the validity issued thereon.	The and that all satisfare believed to the control of the control	statements made and to be true; and to made with the ts and the like so sonment, or both, he United States
		Page	0		

German Lang	uage Declaration
VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patentund Markenamt (Name(n) und Registrationsnummer(n) auflisten)	POWER OF ATTORNEY: As a named inventor, hereby appoint the following attornay(s) and/o agent(s) to prosecute this application and transact a business in the Patent and Trademark Offic connected therewith: (list name and registration number)
Custome	Pr No. 22116
	John P. Musone Reg. No. 44,961, Daniel J Staudt Reg. No. 34,733, Erik C. Swanson Reg. No. 40,194
	Send Correspondence to:
	Siemens Corporation Intellectual Property Departement 170 Wood Avenue South Iselin, NJ 08830
Telefongespräche bitte richten an: (Name und Telefonnummer)	Direct Telephone Calls to: (name and telephone number
	Elsa Keller (732) 321 - 3026
Voller Name des einzigen oder ursprünglichen Erfinders:	Full name of sole or first inventor.
Wolfgang Klumpp	
Unterschrift des Erfinders Datum	Wolfgang Klumpp Inventors signature  Ookgang Klumpp 28.9.05
Wohnsitz	Residence
Achern, GERMANY	Achem, GERMANY
Staatzangehörligkeit	Cilizenship
DE Postanschrit	DE (GERMANY)
	Post Office Addess
Kappelgasse 5	Kappelgasse 5
77855 Achern GERMANY	77855 Achern GERMANY
Voller Name des zweiten Miterfinders (falls zutreffend):	Full name of second joint inventor, if any:
Willi Maier	Willi Maier
Unterschrift des Erfinders Datum	Inventors gnature Date a27.09.05
Wohnstiz	Residence
Oppenau, GERMANY	Oppenau, GERMANY
Staatsangehörigkeit	Cilizanship
DE	DE (GERMANY)
Postanschrift Implication Action	Post Office Address
Industriestr. 4	Industriestr. 4
77728 Oppenau GERMANY	77728 Oppenau GERMANY
Bitte entsprechende Informationen und Unterschriften im Falle von dritten und weiteren Miterfindem angeben).	(Supply similar information and signature for third and subsequent joint inventors).
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orm PTO/\$8/109 (8-98)	<del></del>

Voller Name das dritten Miterfinders:	Full name of third joint inventor.
Wigand Schneiderheinze	Wigand Schneiderheinze
Unterschrift des Erfinders Datum	Inventor's signature 3 miles 27.69.0
Wohnsitz	Residence
Leimersheim, GERMANY Staatsangehörigkelt	Leimersheim, GERMANY
•	Citizenship
DE Postanschrift	DE (GERMANY)
Offerbachstr. 10	Post Office Address
	Otterbachstr. 10
76774 Leimersheim GERMANY	76774 Leimersheim GERMANY
Voller Name des vierten Miterfinders:	Full name of fourth joint inventor;
Unterschrift des Erfinders Datum	Inventor's signature Date
Wohnsitz	Residence
/ Staatsangehörigkeit	Cilizenahlp
Postanachilit	Post Office Address
Voller Nams des fünftan Miterfindsrs:	Full name of fifth joint inventor:
Unierschrift des Erfinders Datum	
	Inventor's signature Date
Wohnsitz	Residence
Staatsangehörigkeit	Cilizenship
Postansch/lft	Post Office Address
Voller Name des sechsten Miterinders;	Full name of sixth joint inventor:
Unterschrift des Erfinders Datum	Inventor's signature Date
Wohnsitz	Residence
Staalsangehörigkell	Citizenship
Postanachriit	Post Office Address
e entsprechende Informationen und Unterschriften	
e von dritten und weiteren Miterfindern angeben).	subsequent joint inventors).
	Page 4

### UNITED STATES PATENT and TRADEMARK OFFICE



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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

10/2/

In re Application of

WOLFGANG et al Application No.: 10/550,781 PCT No.: PCT/DE2003/003288

-Int. Filing Date: 02 October 2003 ···

Priority Date: 28 March 2003

Attorney's Docket No.: 2003P04656WOUS

For: TEMPERATURE COMPENSATION ELEMENT

FOR A CONNECTION UNIT

DECISION ON

PETITION UNDER-

37 CFR 1.181

This Decision is in response to applicants' "SUPPLEMENTAL REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT" filed on 08 September 2008, which is being treating as a renewed petition under 37 CFR 1.181 requesting that the above-identified application's declaration was timely filed on 07 August 2006 by facsimile.

### **BACKGROUND**

In a decision from this on Office on 26 August 2008, the petition filed on 26 June 2008 under 37 CFR 1.181 was dismissed. The decision stated that applicants did not meet item (2) been filed.

On 08 September 2008, petitioner filed the current renewed petition with included a copy of the executed declaration filed on August 7, 2006.

#### **DISCUSSION**

A petition under 37 CFR 1.181 filed under 37 CFR 1.8(b) Certificated of mailing or transmission must be accompanied by:

- (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

Application No.: 10/550,781

2

- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Although petitioner satisfied item (2), item (3) is now not satisfied under 37 CFR 1.8(b).

With regard to item (2) above it is satisfied, the present petition includes a copy of the previously transmitted-correspondence and-certificate of transmission, a copy of the executed - declaration filed on August 7, 2006 has been filed.

With regard to item (3) above, section 512 of the MPEP states the following: "If the person signing the statement did not sign the certificate of mailing, then the person signing the statement should explain how they have firsthand knowledge of the previous timely mailing or transmission." The renewed petition, which is signed by John P. Musone, states that "Applicants or submit a copy of the executed declaration filed on August 7, 2006 by the person who executed the Certificate of Transmission under 37 CFR 1.8." However, Mr. Musone is not the person who executed the Certificate of Transmission for the August 7, 2006 transmission, and he does not state "how he has firsthand knowledge of the previous mailing or transmission," as required by the MPEP (the renewed petition does not include a confirming statement from Ann Hickey, the person who signed the Certificate of Transmission).

Based on the above, the present submission does not satisfy the requirement of 37 CFR 1.8(b)(3).

Accordingly, on the present record it cannot be concluded that the declaration was included with the present petition were originally filed by facsimile on August 7, 2006 as a timely response to the Notification Of Missing Requirements.

### CONCLUSION

For the reasons discussed above, applicants' petition to withdraw the holding of abandonment under 37 CFR 1.181 and 1.8(b) is **DISMISSED** without prejudice.

The application remains ABANDONED.

Any request for reconsideration must be filed within TWO (2) MONTHS of the mail date of the present decision and must include the materials required to satisfy 37 CFR 1.8(b)(3), as discussed above and in the MPEP. The reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.181".

NO. 1171

Application No.: 10/550,781

3

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares

**PCT** Legal Examiner PCT Legal Office

Telephone: (571) 272-3276 Facsimile: (571) 273-0459

\*\*\*\*\*\*\*\*\*\*\*\*\* RX REPORT \*\*\* \*\*\*\*\*\*\*\*\*\*\*\*\*

RECEPTION OK

TX/RX NO

RECIPIENT ADDRESS

DESTINATION ID

ST. TIME

TIME USE

PGS.

RESULT

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